IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT
OF WATER RESOURCES,

       Plaintiff,   No. CIV S-05-0518 GEB EFB

          v.

POWEREX CORP., a Canadian
Corporation, dba POWEREX
ENERGY CORP.,

       Defendant.

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On May 5, 2009, plaintiff and defendant each filed a discovery motion and set the respective matters for hearing on May 27, 2009, at 10:00 a.m., in Courtroom No. 25. Notwithstanding the three days specified by E.D. Cal. L.R. 37-251, the joint statements shall be filed not later than *five* court days before the scheduled hearing. Accordingly, the deadline for filing the joint statements shall be May 20, 2009, by 12:00 p.m. (noon). In the event either hearing is rescheduled, the joint statement shall be due not later than five court days before the rescheduled hearing.

The parties are reminded of the necessity of meeting and conferring in good faith, and attempting to resolve their discovery dispute prior to preparation of their joint statement. E.D. Cal. L.R. 37-251(b), (c)(1). The joint statement on those matters that cannot be resolved informally may be organized by category, with specific discovery items attached, if appropriate, as exhibits. For each disputed category or individual item, include: (1) the specific disputed discovery category or item; (2) the response; (3) the moving party's position; and (4) the opposition. E.D. Cal. L.R. 37-251(c)(3). Do not file separate briefing. *Id.*

Privilege objections must comply with Fed. R. Civ. P. 26(b)(5). Except in extraordinary circumstances, the party claiming privilege may not submit a post-hearing privilege log. The failure properly to support a privilege objection with a privilege log may be deemed to waive it.

The moving party is responsible for filing the joint statement. The opposing party nevertheless must timely draft and submit its portion. Failure of either party to use best efforts to ensure timely filing will be cause for sanctions.

DATED: May 15, 2009.

                                                 EDMUND F. BRENNAN
                                                 UNITED STATES MAGISTRATE JUDGE